



Serial No. 09/493,530

REMARKS:

Claims 1-12 are presenting pending in the application. The Examiner has objected to the drawings under Rule 1.84(b)(4) because, in Figure 3, reference character "42" has been used to designate both a substrate and an intermediate layer. The Applicant has included an amended copy of the drawings with the appropriate correction made in red ink. The drawings should now be in acceptable form, and formal drawings will be submitted upon allowance of the case.

The Examiner has rejected claims 8-12 under 35 U.S.C. §112, second paragraph, as being indefinite because of the language "said outer epoxy coating plastic particles mixed into an epoxy pane" contained in claim 8. Claim 8 has been amended to clarify what the Applicant's is claiming and address the lack of antecedent basis pointed out by the Examiner. By this amendment, the Examiner's rejection to claims 8-12 are overcome.

Claims 1 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by EP 468979B1 (the EP reference). Furthermore, the Examiner has rejected claims 1, 3, and 7-9 under 35 U.S.C. §102(b) as being anticipated by Wong et al. (the '902 patent). By this amendment, Applicants have included the limitations of claims 3 and 9 in claims 1 and 8, respectively. Neither the '902 patent nor the EP reference disclose all of the limitations of claims 1 and 8 as amended, in particular, the substrate material applied to the metal tubing prior to being covered by the epoxy coating. The Examiner has argued that the substrate recited in claims 3 and 9 was disclosed in the '902 patent. However, the substrate of the '902 patent is the pipe itself; the '902 patent recites "a metallic pipe substrate 1" at column 3, line 7 to refer to the metallic pipe. There is no separate substrate that is applied to the metal tubing prior to being covered by the epoxy coating as required by Applicants' amended claims 1 and 8. Accordingly,

the EP reference and the '902 patent do not anticipate Applicants' claims.

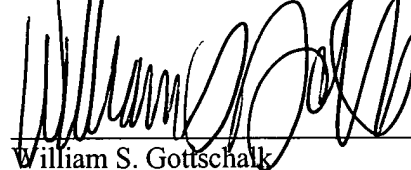
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Claims 1 and 3-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al. (the '698 patent) in view of the Crea Nova product bulletin. Furthermore, claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over the '698 patent in view of the Crea Nova product bulletin, and further in view of Sakakibara et al. (the '542 patent). The Crea Nova product bulletin may not be properly combined with the '698 patent and the '542 patents because the Crea Nova product bulletin relates to lacquers which are much different than epoxy coatings. Because substantial differences exist between lacquers and epoxy coatings, one may not be substituted for the other because it would not be obvious for one skilled in the art to do so.

Claims 5, 6, 10, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '902 patent. The '902 patent does not teach the use of plastic particles having the sizes set forth in claims 5, 6, 10, and 11, as noted by the Examiner. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to employ the smaller particle sizes claimed by the Applicant. However the '902 patent provides no benefit or motivation to do so. Accordingly, the '902 patent cannot render Applicants' invention obvious.

For the reasons set forth above, Applicant submits that the pending claims in the application are allowable. Applicant respectfully solicits allowance of these claims.

Respectfully submitted,

CARLSON, GASKEY & OLDS

A handwritten signature in black ink, appearing to read 'William S. Gottschalk', written over a horizontal line.

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Version with markings to show changes made

1. (AMENDED) A method of coating metal tubing comprising the steps of:
 - (1) applying an epoxy coating containing epoxy paint and plastic particles onto an outer surface of a metal tubing; and
 - (2) curing said coating on said metal tubing.
 - (3) applying a substrate to said metal tubing prior to being covered by said epoxy coating.

Please cancel claim 3.

8. (AMENDED) A tube comprising:
 - an underlying metal tubing; and
 - an outer epoxy coating, said outer epoxy coating plastic particles mixed into an epoxy paint[.], wherein an intermediate substrate layer is placed between said metal tubing and said coating.

Please cancel claim 9.